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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,052	10/06/2000	Brian Wesley Damon	LE9-99-149	3140

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LEXMARK INTERNATIONAL, INC.  
INTELLECTUAL PROPERTY LAW DEPARTMENT  
740 WEST NEW CIRCLE ROAD  
BLDG. 082-1  
LEXINGTON, KY 40550-0999

EXAMINER
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THOMPSON, JAMES A

ART UNIT	PAPER NUMBER
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02/23/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* BRIAN WESLEY DAMON,  
SHAUN TIMOTHY LOVE  
and  
CARY PATTERSON RAVITZ

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Application No. 09/685,052  
Technology Center 2600

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Mailed: February 23, 2009

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Before PAMELA S. BENNETT, *Review Team Paralegal*.  
BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on February 9, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

**EXAMINER'S ANSWER, HEADINGS**

A review of the file indicates that the Examiner's Answer mailed February 9, 2006 does not comply with the guidelines provided in § 1207.02 of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 4, October 2005) because it does not contain all of the required heading items. Specifically, the Examiner's Answer is missing the "(11) *Related Proceedings Appendix*."

**CONCLUSION**

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

1) to issue a PTOL-90 which corrects the Examiner's Answer mailed February 9, 2006 by providing the "(11) *Related Proceedings Appendix*"; and

2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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